IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6696 of 1998

Between:

1.. S. Tippu Sultan, S/o. P.S. Dastagir Sab,
Padmagatta, Mulabagal Taluk, Kolar District, Karnataka.
2.. Papi Reddy, S/o. Malla Reddy,
Panthapalli Village, pulgurkota, Nelavanki Hobli, Srinivasapura Taluk, Kolar District, Karnataka State. **PETITIONER(S)**

AND

1 Transport Commissioner,
Andhra Pradesh, Hyderabad.
2 Secretary, Regional Transport Authority,
Chittoor, Chittoor District.
3 Motor Vehicles Inspector,
Madanapalli, Chittoor District.
4 Officer-in-charge, Integrated Check Post,
Naraharipet, Chittoor District.
5 Motor Vehicles Inspector, Transport Department Flying Squad,
Kurnool, Kurnool District **..RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, directing the respondents herein and their subordinate checking Officers not to seize or collect compounding fee for the alleged violations of the provisions of Section 192-A of M.V. Act, 1988 on the spot in respect of the Petitioners Passenger Vehicles bearing Registration Nos. TCB 2392 and TAF 1717 respectively plying under Pucca Permits issued by the Karnataka State Transport Authority, Bangalore on Enclave Route - Panthanahalli to Pulgurkote and back (via) State Border, V. Kota, patharalahalli, State Border, Ramasamudram etc., in opposite directions, or seize the vehicles declaring that the respondents and their subordinates have no authority of law to do so, and pass

Counsel for the Petitioner:MR.V.NARASIMHA REDDY

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of respondents and their subordinates in collecting compounding fee on the ground of violation of the provisions of Section 192-A of the M.V.Act, 1988 in relation to the petitioners Contract Carriage vehicles bearing No. TCB 2392 AND TAF 1717 plying under Pucca permits issued by the Karnataka State Transport Authority, Bangalore on Enclave route-Panthanahalli to Pulgurkota and back (via) State Border, V.Kota, Pathralahalli State Border, Ramasamudram etc and for a consequential direction not to seize the said vehicles.

Though, the writ petition was admitted and interim orders were granted on 12-3-1998, no counter affidavit is yet filed in the matter. When the matter is taken up, learned counsel for petitioner submitted that the writ petition is squarely covered by the order of this Court in W.P. 9936 of 1995 dated 23-11-1995. It is also stated that no appeal was filed against the said order and the said order become final.

The operative portion of the order of the Division bench in W.P. 9936 of 1995, reads as under;

> "Therefore, fixing enhanced compounding fee at Rs.2,000-00 for contract carriages for offences committed under section 192-A is struck down. However, this will not bar the authorities to proceed with other provisions according to law. The Writ Petition is accordingly allowed, but without costs. If any amounts are collected from the petitioners for offences committed under section 192-A after 14-11-1994, the same may be returned and if any bank guarantee is furnished for the said purpose, the same shall be discharged."

Heard the learned counsel for petitioner and learned Government Pleader for Transport.

Following the above decision, the respondents are directed not to seize the vehicles nor collect the compounding fee on the ground of violation of the provisions of section 192-A of the Motor Vehicle Act, 1988 in respect of the petitioner's vehicles operating under tourist permits.

Accordingly, the writ petition is allowed to the extent indicated above. No costs.

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N.V.RAMANA,J

24TH Feb, 2005

tvk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Davinder Gupta, the Chief Justice on this Thursday, the Twenty Fourth day of February, two thousand and five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Transport Commissioner,
Andhra Pradesh, Hyderabad.
2 The Secretary, Regional Transport Authority,
Chittoor, Chittoor District.
3 The Motor Vehicles Inspector,
Madanapalli, Chittoor District.
4 The Officer-in-charge, Integrated Check Post,
Naraharipet, Chittoor District.
5 The Motor Vehicles Inspector, Transport Department Flying Squad,
Kurnool, Kurnool District

6..2 CD copies

7.. 2 CCs to The Government Pleader for Transport , High Court of A.P. Buildings, Hyderabad (OUT)

*Form-NIC-OGS/WP{**KKG**}*